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10

Confirm certain Provisional Orders of the Local Govern- A.D. 1902.  
ment Board for Ireland relating to the Urban Districts  
of Ballymena and Strabane.

WHEREAS the Local Government Board for Ireland (herein-  
after referred to as "the Local Government Board") have  
made the Provisional Orders set forth in the schedule hereto under  
the Gas and Water Works Facilities Act 1870 and the Public  
5 Health (Ireland) Act 1878 : 33 & 34 Vict.  
c. 70.  
41 & 42 Vict.  
c. 52.

And whereas it is requisite that the said Orders should be  
confirmed by Parliament and that the provisions herein contained  
should be enacted with reference thereto :

Be it therefore enacted by the King's most Excellent Majesty  
10 by and with the advice and consent of the Lords Spiritual and  
Temporal and Commons in this present Parliament assembled and  
by the authority of the same as follows :—

1. The Orders set out in the schedule hereto are hereby  
confirmed and all the provisions thereof shall have full validity  
15 and force. Orders in  
schedule  
confirmed.

2. The authorities mentioned in the Orders hereby confirmed  
shall not under the powers of those Orders purchase or acquire ten  
or more houses which on the fifteenth day of December last were  
occupied either wholly or partially by persons belonging to the  
20 labouring class as tenants or lodgers or except with the consent of  
the Local Government Board ten or more houses which were not so  
occupied on the said fifteenth day of December but have been or  
will be subsequently so occupied.

The expression "labouring class" means mechanics artificers  
25 labourers and others working for wages hawkers costermongers  
[Bill 166.] A

✓  
✓  
C. S. R.

A.D. 1902, persons not working for wages but working at some trade or  
— handicraft without employing others except members of their own  
families and persons other than domestic servants whose income  
does not exceed an average of thirty shillings a week and the  
families of any of such persons who may be residing with them. 5

Short title      3. This Act may be cited as the Local Government Board  
(Ireland) Provisional Orders Confirmation (Gas) Act 1902.

SCHEDULE.

A.D. 1902.

URBAN DISTRICT OF BALLYMENA.

*Provisional Order under the Gas and Water Works Facilities  
Act 1870.*

*Ballymena.*

5 WHEREAS the Urban District Council of Ballymena (in this Order referred to as "the Council") are the urban authority within the meaning of the Public Health (Ireland) Act 1878 for the urban district of Ballymena in the county of Antrim (in this Order referred to as "the district").

41 & 42 Vict.  
c. 38.

And whereas the Council have subject to the sanction of the Local Govern-

10 ment Board for Ireland (in this Order referred to as "the Local Government Board") agreed to buy and the Ballymena and Harryville Gas Light Company Limited (in this Order referred to as "the Company") agreed to sell and transfer to the Council the gas works and all the gas undertaking lands (including the lands described in Part I. of the schedule hereto) plant  
15 machinery goods chattels and other property estates and effects of the Company all of which matters herein-before mentioned as objects of the said sale and transfer are in this Order referred to as "the undertaking of the Company".

And whereas the Council may under the Public Health (Ireland) Act 1878

20 themselves undertake to supply gas for the whole of any part of the district and have applied to the Local Government Board to issue a Provisional Order authorising them to maintain and continue the undertaking of the Company if and when the same is acquired by them to manufacture and supply gas and to borrow money for those purposes:

41 & 42 Vict.  
c. 38.

25 Now therefore We the Local Government Board in pursuance of the powers given to Us by section 80 of the Public Health (Ireland) Act 1878 and of any other powers enabling Us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely:—

41 & 42 Vict.  
c. 38.

30 1. This Order may be cited as the Ballymena Gas Order 1902.

*Short title.*

2. The several words and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings (unless there is something in the subject matter or context repugnant  
35 to that construction).

*Interpretation  
of terms.*

3. The limits within which the Council may supply gas and in which this Order shall be in force and have effect shall be the district.

*Limits of  
Order.*

A.D. 1902.

*Belligerent.*Application of  
Public Health  
(Ireland) Act  
1878Incorporation  
of Acts.Construction  
of works.Council not to  
manufacture  
gas or residual  
products except  
on scheduled  
landsSupply of  
fittings.

Quality of gas.

4. The Council shall in relation to the purposes of this Order exercise and be subject to all the powers and provisions of the Public Health (Ireland) Act 1878 so far as the same are applicable to the purposes of this Order but nothing herein contained shall empower the Council to acquire lands otherwise than by agreement.

5.—(1) The provisions of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order.

(2) The Council may acquire by agreement the lands described in Part II. of the schedule hereto.

6. The Council may (when the undertaking of the Company has been acquired by them) upon the lands described in Parts I. and II. of the schedule hereto lay down make maintain repair renew and continue and construct extend enlarge alter or when necessary or convenient remove buildings apparatus and works for the manufacture and storage of gas and of coke culm asphaltum pitch tar oil ammoniacal liquor and other refuse or residual products arising from the manufacture of gas and any matters producible therefrom and dwellings for any persons employed in the said works and they may subject to the provisions of this Order make gas and supply and sell the same within the district for public and private purposes and may convert or manufacture coke culm asphaltum pitch tar oil ammoniacal liquor and all refuse or residual products arising from the manufacture of gas and any matters producible therefrom and may sell and dispose of the same.

7. The Council shall not manufacture gas or any residual products arising in the manufacture of gas on any lands other than the lands described in Parts I. and II. of the schedule hereto neither shall they commence the storage of gas on any lands other than the lands so described which shall be situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of such dwelling-house.

8. The Council may purchase or hire and sell or let on hire supply and otherwise deal in and fix set up alter remove and refix (but shall not manufacture) gas meters and fittings gas engines gas cooking ovens stoves ranges pipes burners and other apparatus appliances articles and things used in the supply or consumption of gas for lighting or heating purposes or for motive power and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges and make such terms and conditions with respect to the supply sale letting fixing setting up altering repairing removing or refixing of such meters fittings engines ovens stoves ranges pipes burners and other apparatus appliances articles and things as aforesaid and for securing their safety and (if the circumstances so require) their return to the Council as may be agreed upon between the Council and the person to or for whom the same are sold supplied let fixed set up altered repaired removed or refixed.

9. The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place herein-after

mentioned a light equal in intensity to the light produced by fifteen sperm candles of six to the pound and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

A.D. 1902.  
Bulkyman.

10. The Council shall before supplying or within one month after commencing to supply gas under the authority of this Order provide and maintain a suitable photometer and other necessary appliances for the purpose of testing the quality of the gas and shall at all times keep the same in proper order and repair.

Photometer to be provided.

11. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure.

12—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place to be provided by the Council at the gasworks situate on the lands described in the schedule hereto before supplying or within one month after commencing to supply gas under the authority of this Order and the burner to be used for testing the gas shall be a Sugg's London Argand No. 1 with a six-inch by one and three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two inch chimney shall be used.

Testing place and burner.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere not being the immediate approach to any railway bridge or railway station as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place vested in or under the control of any local or road authority and twelve hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted.

13. No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

No penalty in case of unavoidable accident.

14. The price to be charged by the Council for gas supplied by them to consumers shall not exceed five shillings per one thousand cubic feet and so on in proportion for any less quantity supplied. Provided nevertheless that every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

Maximum price.

15. The Council shall keep separate records of the gas supplied to private consumers and for public lighting respectively. The price charged for gas for

Price of gas for public supply.

A.D. 1902. public lighting shall not be less than that charged to private consumers by  
more than ten per cent.

Bailiwick.

Borrowing  
powers

16. The Council may with the sanction of the Local Government Board and for the purposes of this Order (which purposes shall be deemed to include the costs payable by the Council of and in connexion with the preparation making and confirmation by Parliament of this Order and the sum to be paid for the purchase of the undertaking of the Company) borrow money upon the security of the moneys received by them by way of revenue under this Order and upon the security of the district fund and such rates as may be leviable throughout their district or upon either of such securities.

Period for  
repayment of  
money bor-  
rowed.

17. The moneys borrowed under this Order shall be repaid within such period not exceeding fifty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is hereinafter referred to as the "prescribed period."

Various provisions of Public Health (Ireland) Act 1878 made of repayment moneys to be used in sinking fund

18. Sections 240 to 242 of the Public Health (Ireland) Act 1878 shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

19.—(1) The Council shall repay the moneys borrowed under this Order by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or the others of them.

(2) Subject to the provisions of this Order with respect to increase reduction or discontinuance of payments to sinking fund if the Council determine to repay by means of a sinking fund any moneys borrowed under this Order such sinking fund shall be formed and maintained either—

- (a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund" or
- (b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called "an accumulating sinking fund."

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law authorised to invest or in mortgage bonds debentures debenture stock or other securities duly issued by any local authority but exclusive in every case of the securities of the Council the Council being at liberty to vary and transpose such investments.

(4) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

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Ballymena.

(5) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per cent. per annum on which the annual payments to the sinking fund are based.

(6)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per cent. per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per cent. per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(7) Any expenses connected with the formation maintenance investment application or management of or otherwise in relation to any sinking fund under this Order shall be payable by the Council in addition to the payments provided for by this Order.

20.—(1) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) may not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

Increase  
reduction or  
discontinuance  
of payments to  
sinking fund.

(2) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

A.D. 1902.

*Ballymore*

(4) If in the opinion of the Local Government Board the amount in any sinking fund at any time together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of the Board discontinue the equal annual payments to such sinking fund until the Board otherwise direct.

(5) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine.

Power to re-borrow.

21. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow:

Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of money derived from the sale of lands or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose:

Provided also that any moneys re-borrowed shall be deemed to form the same loan as the moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application of borrowed moneys

22. All moneys borrowed or re-borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine and all moneys received by the Council under this Order either as purchase-money of lands sold or for equality of exchange or as consideration for a lease shall be applied to works or objects on which capital may properly be expended when the Local Government Board have sanctioned the application of the same to those purposes or shall be applied according as the Council may determine towards the reduction of the debt owing by the Council or towards the increase of the sinking fund set apart under this Order. Provided that it shall not be in any way incumbent upon any mortgagee to see to the application of any moneys so borrowed or re-borrowed nor shall the mortgagee be responsible for any misapplication thereof.

Receiver.

23.—(1) Subject to the provisions of this article any mortgagee of the Council in respect of a mortgage under this Order may enforce the payment



of arrears of interest or of principal or of principal and interest by the appointment of a receiver A.D. 1902.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him. Provided that no such application shall be entertained unless the amount of arrears due to the applicant or in the case of a joint application by two or more mortgagees to such applicants collectively is not less than five hundred pounds in the whole.

21.—(1) The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such clerk shall for each offence be liable to a penalty not exceeding twenty pounds.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised by the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by the High Court.

25. The powers of borrowing and re-borrowing conferred by this Order shall be deemed to be distinct from and in addition to the powers of borrowing and re-borrowing conferred on the Council by the Public Health (Ireland)

*Sallymore.*

Retain as to provision for repayment of debt.

Borrowing powers to be in addition to those under Public Health (Ireland) Act 1874.

A.D. 1902

Ballyvaughan  
Council to pay  
interest on  
money  
deposited.

26. When the Council require money to be deposited by any person with them by way of security for the payment to them of any moneys which may become due to them by such persons in respect of any supply of gas or of the purchase or hire of any apparatus appliances articles or things mentioned in Article 8 of this Order the Council shall pay interest at the rate of three pounds per cent. per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. Provided that the Council may if they think fit invest any money so deposited with them in the manner provided by subdivision (3) of Article 19 of this Order as to the sinking fund and in that case the Council shall pay no higher rate of interest than they receive on the investment.

Separate  
accounts.

27. The Council shall keep separate capital and revenue accounts of all receipts credits payments liabilities and transactions in and about the execution of this Order and in relation to or on account of the gas undertaking hereby authorised which accounts shall be distinct from the other accounts of the Council and shall be called respectively "the gas capital account" and "the gas revenue account."

Application of  
gas revenue.

28. All moneys received by the Council by way of revenue under this Order shall be applied for the following purposes:—

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to revenue of establishing conducting managing and maintaining the gasworks and works connected therewith;

In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order;

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order;

In setting apart if the Council think fit a yearly sum not exceeding ten per cent of such revenue for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the said gasworks and works connected therewith or any other extraordinary expenditure authorised by this Order. Provided that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article 19 of this Order as to the sinking fund until it amounts according to the market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investment to the sum of five hundred pounds the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Order;

In payment if the Council think fit of the expenses of executing any permanent works authorised by this Order;

The residue (if any) of such revenue shall be carried to the credit of the district fund but no part of such revenue shall be carried to the credit of the

district fund when the price of gas to private consumers exceeds four shillings and sixpence per one thousand cubic feet.

A.D. 1902.

Ballymena.

As to how charges of carrying Order into execution to be defrayed

29. The Council shall not defray any of the charges and expenses of carrying this Order into execution other than payments required to be made in respect of money borrowed on mortgage of the district fund and the rates of the Council out of that fund or those rates when the price of gas to private consumers is less than four shillings and sixpence per one thousand cubic feet.

30. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the cost incurred by the Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council.

Inquiries and expenses.

# SCHEDULE.

## PART I.

Lands in the parish of Kirkcubria barony of Lower Toome and within the urban county district of Ballymena bounded on the north by Bridge Street for a distance of 40 feet and by premises in the occupation of R. A. Barr and others for a distance of 202 feet on the south by Coach Entry and Mill Lead the distance being 240 feet and 72 feet respectively on the east for 237 feet by shop and premises of R. A. Barr and on the west by licensed premises of Robert Grant and the rear of premises in Bridge Street Place the distance 185 feet and 75 feet respectively which lands comprise an area of about two roods and twenty-four perches.

## PART II.

Lands in the parish of Ballycully barony of Lower Antrim and county of Antrim and within the urban district of Ballymena abutting on the south-western side of the Ballymena and Larne Railway of the Belfast and Northern Counties Railway Company for a distance of about 7 chains northward from the signal box on that railway which is situate about 7 chains southward of the Ballymena and Larne Railway Goods Station and bounded on the north by the said Ballymena and Larne Railway Goods Station and on the south and west by lands belonging or reputed to belong to George Thomas Graham which lands comprise an area of about 2 acres

Given under the seal of office of the Local Government Board for Ireland this Eighth day of April one thousand nine hundred and two.

(L.S.)

(Signed) H. A. ROBINSON.

A.D. 1902.

## URBAN DISTRICT OF STRABANE.

*Strabane.**Provisional Order under the Gas and Water Works Facilities  
Act 1870.*41 & 42 Vict.  
c. 58.

WHEREAS the Urban District Council of Strabane (in this Order referred to as the "Council") are the urban authority within the meaning of the Public Health (Ireland) Act 1878 (in this Order referred to as "the Act") for the urban district of Strabane in the county of Tyrone (in this Order referred to as "the District") and whereas under the Act the Council are themselves empowered to supply gas throughout the whole of the district and have applied to the Local Government Board for Ireland (in this Order referred to as "the Local Government Board") to issue a provisional Order authorising them to construct and maintain the gasworks on the lands described in the schedule hereto and to manufacture and supply gas and to borrow money for those purposes:

Now therefore We the Local Government Board in pursuance of the powers given to Us by section 80 of the Act and of any other powers enabling us in that behalf do hereby order that from and after the date of the Act confirming this Order the following provisions shall have effect namely:—

Short title.

1. This Order may be cited as the Strabane Gas Order 1902.

Interpretation.

2. The several words and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings (unless there is something in the subject matter or context repugnant to that construction) and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be constructed maintained and continued.

Limits of Order.

3. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the district.

Application of 41 &amp; 42 Vict. c. 58.

4. The Council shall in relation to the purposes of this Order exercise and be subject to all the powers and provisions of the Act so far as the same are applicable to the purposes of this Order but nothing herein contained shall empower the Council to acquire lands otherwise than by agreement.

Incorporation of Acts

5. The provisions of the Land Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except section 127 of the Land Clauses Consolidation Act 1845) of the Gasworks Clauses Act 1847 (except sections 30 to 38 and sections 45 and 46 thereof) and of the Gasworks Clauses Act 1871 (except section 8 sections 24 to 27 and sections 29 to 35 thereof) are hereby incorporated with this Order (except

where the same are expressly varied by this Order) and the said provisions of the said Gasworks Clauses Acts as so incorporated shall apply as well to the mains pipes and works of the Council laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

A.D. 1902.  
Statute.

6. The Council may for the purposes of the undertaking by agreement purchase or take on lease the lands described in the schedule hereto.

Purchase of land.

7. The Council may on the lands described in the schedule to this Order construct maintain and continue alter and enlarge renew or discontinue gas-works and works connected therewith and may construct erect make and maintain alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke asphaltum pitch tar ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and may also construct and maintain alter and enlarge renew or discontinue houses offices buildings and other works connected with the undertaking or for officers and servants employed therein.

8. The Council shall not manufacture gas or any residual products arising in the manufacture of gas on any lands other than the lands described in the schedule hereto neither shall they commence the storage of gas on any lands (other than the lands so described) situated within three hundred yards of any dwelling-house without the previous consent in writing of the owner lessee and occupier of such dwelling-house.

Council not to manufacture gas &c. on land not in schedule.

9. The following provisions for the protection of the Great Northern Railway Company of Ireland and the Dundgal Railway Company (herein-after referred to as "the railway companies") shall be in force and have effect and be binding on the Council.

Provisions for protection of railway companies.

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railway lands or property belonging to or used or occupied by the railway companies or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway companies the work shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway companies and only according to plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Council who shall also restore and make good the roads over any such bridges level crossings and approaches which the railway companies are or may

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Statute.

be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railway bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or 5 conduct of the traffic over such railways or stations thereon

- (2) If any such injury or interruption arises from or is in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level crossing the Council shall make compensation 10 in respect thereof to the railway companies the amount of such compensation together with full costs to be recoverable from the Council as a debt.

- (3) If any difference arises between the Council and the railway companies under this Article it shall be determined by an arbitrator to be appointed 15 on the application of either party by the president for the time being of the Institution of Civil Engineers.

Provision for  
settlement of  
differences.

10 If any difference arises between the Council and any road authority or railway canal or other company (other than the railway companies) whose lands or works the Council have power to cross under the authority of this 20 Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Local Government Board at the request of either party. 25

Supply of  
fittings.

11. The Council may at their works or elsewhere purchase hire supply sell or let on hire but shall not manufacture gas meters fittings gas stoves and 30 cooking and other apparatus and may also purchase hire sell let deal in and contract for doing work in connexion with but shall not manufacture fittings tubes meters pipes stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may require and take remuneration in respect thereof. 35

Power to use  
inventions.

12 The said Council may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave license or authority to work use exercise and put in practice any invention 40 under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of any product obtainable in or arising from such manufacture or production or from the materials used therein.

Quality of gas.

13. The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place herein-after

mentioned a light equal in intensity to the light produced by not less than fifteen sperm candles of six to the pound and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871:

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Strabane.

14. The Council shall before supplying or within one month after commencing to supply gas under the authority of this Order provide and maintain a suitable photometer and other necessary appliances for the purpose of testing the quality of the gas and shall at all times keep the same in proper order and repair.

Photometer to be provided.

15. The price to be charged by the said Council for gas supplied by them shall not exceed five shillings and sixpence per thousand cubic feet and so in proportion for any less quantity supplied but every odd fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet. Provided that at any time after the expiration of three years from the commencement of this Order the Local Government Board may if they think fit upon the application in writing of twenty consumers resident within the limits of supply by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price by substituting any other sum for the said sum of five shillings and sixpence and as from the date specified in such Order the price to be charged by the Council for gas supplied by them shall be in accordance with such Order.

Maximum price.

16. The Council shall keep separate records of the gas supplied to private consumers and for public lighting respectively and the price charged for public lighting shall not be less than that charged to private consumers by more than ten per cent. The Council may if they think fit allow discounts or rebates to every consumer who within twenty-eight days after delivery of the gas account pays such account at the gas office of the Council at the following rates that is to say:—

Price of gas for public supply.

When such account amounts to one pound and under five pounds at the rate of two and a half per cent. When such account amounts to five pounds and under ten pounds at the rate of five per cent. When such account amounts to ten pounds and upwards at the rate of ten per cent.

The accounts referred to in this Article shall be for a supply of gas during such period not being more than three months nor less than one month as the said Council may fix.

17. All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure.

18.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place to be provided by the Council at the gasworks before supplying or within one month after commencing to supply

Testing place and burner.

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*Stoburn.*

gas under the authority of this Order and the burner to be used for testing gas shall be a Sagg's London Argand No. 1 with a six-inch by one and three-quarter-inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which for the time being may be approved for the purpose by the Local Government Board. 5

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fittest the pressure at which the gas is supplied and for that purpose may open any street road passage or place (not being the immediate approach to any railway or canal bridge or railway station) vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Council of the time and place at which any testing for pressure elsewhere than at the testing place will be conducted. 10 15

Notice before  
quitting  
premises.

19. Twenty-four hours' notice in writing shall be given to the Council by every gas consumer before he quits any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises. 20

Notice to be  
in writing.

20. A notice to the Council from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it is in writing signed by or on behalf of the consumer and is left at or sent by post to the gas office of the Council. 25

Provision  
in case of  
erroneous  
registration.

21. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the last preceding quarter of the year unless it is proved to have first arisen during the current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in like manner as gas rents are recoverable. 30

Provision in  
case of unpaid  
rents.

22. If a person requiring a supply of gas has previously quit premises at which gas is supplied to him by the Council without paying all gas or meter rent or rents for stoves or other apparatus due from him the Council may refuse to furnish to him a supply of gas until he pays the amount so due. 35

No penalty  
in case of  
unavoidable  
cause.

23. No penalty shall be incurred by the said Council for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident. 40

Council to  
pay interest  
on money  
deposited.

24. Where any money is deposited by any person by way of security with the Council for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or the purchase or hire 45



of any apparatus, appliances, articles or things mentioned in Article 11 of this Order the Council shall pay interest at the rate of three pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. Provided, that the Council may if they think fit invest any money so deposited with them in the manner provided by subdivision (3) of Article 29 of this Order as to the sinking fund and in that case the Council shall pay no higher rate of interest than they themselves receive thereon.

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—  
Statute.

25. Section 140 of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order and for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Council.

Application  
of s. 140 Vict.  
c. 12, s. 140.

26. The Council may with the sanction of the Local Government Board and for the purposes of this Order (which purposes shall be deemed to include the costs payable by the Council of and in connection with the application for preparation making and confirmation of this Order) borrow money upon the security of the moneys received by them by way of revenue under this Order and upon the security of the district fund and any rates leviable throughout the whole of the district or upon either of such securities.

Borrowing  
powers.

27. For the purpose of raising money under this Order the provisions of section 246 of the Act shall apply with the necessary modifications and sections 240 to 242 of the Act shall apply to all moneys borrowed or re-borrowed on mortgage under this Order.

Certain  
provisions of  
Public Health  
Act made  
applicable.

28. The moneys borrowed under this Order shall not at any time exceed fifteen thousand pounds and shall be repaid within such period not exceeding fifty years from the date of borrowing as the Council with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned is herein-after referred to as "the prescribed period" and shall with reference to the moneys to be repaid be the prescribed period for the purposes of this Order.

Amount and  
period for  
repayment  
of money  
borrowed.

29.—(1) The Council shall repay the moneys borrowed under this Order by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or the others of them.

Mode of  
repayment.

(2) Subject to the provisions of Article 30 of this Order if the Council determine to repay by means of a sinking fund any moneys borrowed under this Order such sinking fund shall be formed and maintained either—

Formation  
maintenance  
and application  
of sinking  
fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed

A.D. 1902

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period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(3) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which the trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority but exclusive in every case of the securities of the Council the Council being at liberty to vary and transmute such investments.

(4) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(5) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied if invested at the rate per cent. per annum on which the annual payments to the sinking fund are based.

(b)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per cent. per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council:

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per cent. per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(7) Any expenses connected with the formation maintenance investment application or management of or otherwise in relation to any sinking fund under this Order shall be paid by the Council in addition to the payments provided for by this Order.

Increase  
reduction or  
discontinuance  
of payments to  
sinking fund.

30.—(1) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government

Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct. A.D. 1902.  
Statute.

(2) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

5 (3) If in the opinion of the Local Government Board the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Board approve.

15 (4) If in the opinion of the Local Government Board the amount in any sinking fund at any time together with the accumulations thereon (in the case of an accumulating sinking fund) will probably be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of the Board discontinue the equal annual payments to such sinking fund until the Board otherwise direct.

20 (5) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Local Government Board may determine. Surplus of  
sinking fund.

31. The Council shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Council within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow: Power to  
re-borrow.

30 Provided that the Council shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose;

35 Provided also that any moneys re-borrowed shall be deemed to form the same loan as the moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

32. All moneys from time to time borrowed or re-borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively authorised to be borrowed or re-borrowed excepting that moneys which may have been borrowed or re-borrowed in excess of the amount required shall be applied in such manner as the Council with the approval of the Local Government Board determine and all money received by the Council under this Order either as purchase money of lands sold or for equality of exchange or as consideration for a lease shall be applied to Application  
of borrowed  
moneys.

A.D. 1902: works or objects on which capital may properly be expended when the Local  
*Statute.* Government Board have sanctioned the application of the same to those  
 purposes or shall be applied according as the Council may determine towards  
 the reduction of the debt owing by the Council or towards the increase of  
 the sinking fund set apart under this Order. Provided that it shall not be in  
 any way incumbent on any mortgagee to see to the application of any moneys  
 so borrowed or re-borrowed nor shall the mortgagee be responsible for any  
 misapplication thereof. 5

*Receiver.* 33.—(1) Subject to the provisions of this Article any mortgagee of the  
 Council in respect of a mortgage under this Order may enforce the payment 10  
 of arrears of interest or of principal or of principal and interest by the  
 appointment of a receiver.

(2) The application for the appointment of a receiver shall be made to the  
 High Court and the Court if it thinks fit may appoint a receiver on such  
 terms as it thinks fit and may at any time discharge the receiver and 15  
 otherwise exercise full jurisdiction over him:

Provided that no such application shall be entertained unless the amount of  
 arrears due to the applicant or in the case of a joint application by two or  
 more mortgagees to such applicants collectively be not less than five hundred  
 pounds in the whole. 20

*Return as to  
 provisions for  
 repayment of debt.*

34.—(1) The clerk to the Council shall within twenty-one days after the  
 Thirty-first day of March in each year if during the twelve months next  
 preceding the said Thirty-first day of March any sum is required to be paid as  
 an instalment or annual payment or to be appropriated or to be paid to a  
 sinking fund in pursuance of the provisions of this Order or in respect of any 25  
 money raised thereunder and at any other time when the Local Government  
 Board may require such a return to be made transmit to the Board a return  
 in such form as may be prescribed by the Board and if required by the Board  
 verified by statutory declaration of such clerk showing for the year next  
 preceding the making of such return or for such other period as the Board 30  
 may prescribe the amounts which have been paid as instalments or annual  
 payments and the amounts which have been appropriated and the amounts  
 which have been paid to or invested or applied for the purpose of the sinking  
 fund and the description of the securities upon which any investment has  
 been made and the purposes to which any portion of the sinking fund or 35  
 investment or of the sums accumulated by way of compound interest has  
 been applied during the same period and the total amount (if any) remaining  
 invested at the end of the year and in the event of his failing to make such  
 return such clerk shall for each offence be liable to a penalty not exceeding  
 twenty pounds to be recovered by action on behalf of the Crown in the High 40  
 Court and notwithstanding the recovery of such penalty the making of the  
 return shall be enforceable by writ of mandamus to be obtained by the Board  
 out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise  
 that the Council have failed to pay any instalment or annual payment 45

required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Order or by the Board in virtue thereof to be paid appropriated or set apart) or have applied  
 5 any portion of any sinking fund to any purposes other than those authorized the Board may by Order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Board out of the  
 10 High Court.

35. The powers of borrowing and re-borrowing conferred by this Order shall be deemed to be distinct from and in addition to the powers of borrowing and re-borrowing conferred on the Council by the Act.

A.D. 1902.  
*Statutes.*

Borrowing  
 powers to be  
 in addition to  
 those in Public  
 Health Act  
 Separate  
 accounts.

36. The Council shall keep separate capital and revenue accounts of  
 15 all receipts credits payments liabilities and transactions in and about the execution of this Order and in relation to or on account of the gas undertaking hereby authorized which accounts shall be distinct from the other accounts of the Council and shall be called respectively "the gas capital account" and "the gas revenue account."

Application of  
 gas revenue.

37. All moneys from time to time received by the Council by way of  
 20 revenue under this Order shall be applied for the following purposes:—

In payment of the gas establishment charges (that is to say) of the expenses properly chargeable to revenue of establishing conducting managing and maintaining the gasworks and works connected therewith;

25 In payment of the interest on the moneys borrowed or re-borrowed for the purposes of this Order;

In providing for the discharge of any moneys borrowed or re-borrowed for the purposes of this Order in accordance with the provisions of this Order;

30 In setting apart if the Council think fit a yearly sum not exceeding ten pounds per cent. of such revenue for the purpose of forming a reserve fund to provide for the expenses attendant upon or occasioned by any sudden accident to the said gasworks and works connected therewith or any other extraordinary expenditure authorized by this Order. Provided

35 that such reserve fund shall be accumulated by way of compound interest by investment in the manner specified in subdivision (3) of Article 29 of this Order as to the sinking fund until it amounts according to the market price of such investments to the sum of five hundred pounds and that whenever the reserve fund amounts according to the market price of such investments to the sum of five hundred pounds the income therefrom  
 40 shall be applied in the same manner as money received by the Council by way of revenue under this Order;

In payment if the Council think fit of the expenses of executing any permanent works authorized by this Order;

- A.D. 1902. The residue (if any) of such revenue shall be carried to the credit of the district fund but no part of such revenue shall be carried to the credit of the district fund when the price of gas to private consumers exceeds four shillings and sixpence per one thousand cubic feet.
- Sirabane*
- Charges of carrying Order into execution. 38. The Council shall not defray any of the charges and expenses of carrying this Order into execution other than payments required to be made in respect of money borrowed on mortgage of the district fund and any rate authorised by this Order out of that fund or rate when the price of gas to private consumers is less than five shillings and sixpence per one thousand cubic feet. 5 10
- Inquiries and expenses. 39. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of this Order the costs incurred by the Board in relation to such inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in such inquiry) shall be paid by the Council and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Council shall be a debt due to the Crown from the Council. 15
- Expenses of Order. 40. The costs and expenses of the Council and of the Local Government Board incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the Council. 20

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#### SCHEDULE

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A piece of land situate in the townland of Townpark in the parish of Leekpatrick in the county of Tyrone containing three acres and three perches or thereabouts belonging to his Grace the Duke of Abercorn adjoining the Sirabane Canal. 25

Given under the seal of office of the Local Government Board for Ireland this Eighth day of April one thousand nine hundred and two.

(L.S.)

(Signed) H. A. ROBINSON. 30



# Local Government (Ireland) Provisional Orders (Gas).

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A

## B I L L

To confirm certain Provisional Orders  
of the Local Government Board for  
Ireland relating to the Urban  
Districts of Ballymena and Strabane

*(Prepared and brought in by  
Mr. Attorney-General for Ireland and  
Mr. George Wyndham.)*

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*Ordered, by The House of Commons, to be Printed,  
23 April 1902.*

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